



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Introduce Ordinance Amending Chapter 10.04 "Words and Phrases Defined" by Adding Section 10.04.010 C (9) Defining Utility Trailer and Amending Chapter 10.52 "Regulation of Commercial Vehicle Travel and Parking" by Repealing and Re-enacting Section 10.52.060 (C) Relating to Utility Trailers

MEETING DATE: September 15, 2004

PREPARED BY: City Attorney

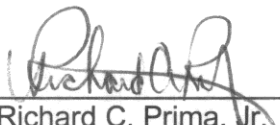
RECOMMENDED ACTION: That the City Council introduce the attached ordinance amending Lodi Municipal Code (LMC) Chapter 10.04 adding the definition of utility trailer and Chapter 10.52 referencing the definition of a utility trailer.

BACKGROUND INFORMATION: In the 2002 California Vehicle Code (CVC), Division 1, "Words and Phrases Defined", the "Utility Trailer" definition was repealed. The repealed section read as follows: "A 'Utility Trailer' is any trailer or semitrailer used solely for the transportation of the user's personal property and that does not exceed a gross weight of 10,000 pounds."

Currently, per LMC Section 10.52.060, it is illegal to park a trailer on a street, alley, public way or public place (except in the process of loading/unloading); however, it excludes the parking of utility trailers as defined in the CVC. Since the utility trailer definition has been repealed from the CVC, parking small trailers is also prohibited. Options are to remove the reference to utility trailers from this code section or retain the reference and add the utility trailer definition to LMC Chapter 10.04.

When City Council adopted this code, they were sensitive to the needs of residents and small business owners. If the reference to utility trailers was removed from our code, parking small trailers would no longer be permitted. Staff is recommending that the definition of utility trailers be added to the City code and they will continue to be afforded the parking privileges provided by the previous code. Note that parking over 72 hours is still prohibited and this restriction also applies to trailers.

FUNDING: None required.


Richard C. Prima, Jr.
Public Works Director

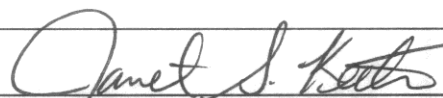
RCP/RSK/pmf

Attachments

cc: City Attorney
City Engineer

Police Chief
Senior Traffic Engineer

APPROVED:


Janet Keeter, Interim City Manager

10.52.060 Parking of trailers prohibited.

A. No person who owns or has possession, custody or control of any trailer or semitrailer shall park such trailer or semitrailer upon any street, alley, public way or public place, unless such trailer or semitrailer, at all such times it is so parked, is attached to a motor vehicle capable of providing the motive power for moving the trailer or semitrailer upon the street, alley, public way or public place.

B. This section shall not prohibit the parking of a trailer or semitrailer in the process of being loaded or unloaded, nor of a trailer or semitrailer which is disabled in such a manner and to such an extent that it requires some vehicle or facility other than its normal means of motivation to move the same along such street, alley, public way or public place; provided, however, such trailer or semitrailer so disabled may remain so parked while unattached to the motor vehicle described in this section only for the time necessary for the vehicle or facility to be provided for its removal, and in no event longer than two hours.

C. This section shall not apply to utility trailers or trailer coaches (travel trailers) as defined in the Vehicle Code. (Ord. 1410 § 1 (part), 1987)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING CHAPTER 10.04 "WORDS AND PHRASES
DEFINED" BY ADDING SECTION 10.04.010 C (9.) DEFINING
UTILITY TRAILER; AND AMENDING CHAPTER 10.52
"REGULATION OF COMMERCIAL VEHICLE TRAVEL AND
PARKING" BY REPEALING AND RE-ENACTING SECTION
10.52.060 (C) RELATING TO UTILITY TRAILERS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter 10.04 "Words and Phrases Defined" is hereby amended by adding Section 10.04.010 C (9.) to read as follows:

9. "Utility trailer" is any trailer or semitrailer used solely for the transportation of the user's personal property and that does not exceed a gross weight of 10,000 pounds.

SECTION 2. Chapter 10.52 "Regulation of Commercial Vehicle Travel and Parking" is hereby amended by repealing and re-enacting Section 10.52.060 (C) relating to Utility Trailers and shall read as follows:

- C. This section shall not apply to utility trailers as defined in this Code or trailer coaches (travel trailers) as defined in the Vehicle Code.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner, which imposes upon the City, or any officer, employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of all liability for damages, except as otherwise imposed by law.

SECTION 4 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 2004

LARRY D. HANSEN
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

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State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held September 15, 2004, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney